

REMARKS

This amendment is submitted pursuant to 37 C.F.R. §116(b)(2) to put the claims into better form for consideration on appeal. Entry of this amendment for this purpose is respectfully requested.

Claims 1-6, 8-14, 16, and 17 are pending in the application. Claims 1 and 17 are herein amended.

REJECTION UNDER 35 U.S.C. §112

The Examiner rejected Claims 1-6, 8-14 and 16-17 under 35 U.S.C. §112, second paragraph, for indefiniteness in the term “capacitor interface electronics of the external defibrillator” The Examiner rejected the term as unclear whether the external defibrillator of Claim 1 was being functionally or positively recited. Applicant herein amends independent Claim 1 and dependent Claim 9 to remove the modifier term, and respectfully requests entry of the amendment, reconsideration, and allowance.

Claims 2-6, 8, 10-14, and 16 depend upon amended Claim 1, and so are similarly allowable. Independent Claim 17 does not recite the “external defibrillator” term, and so is allowable.

REJECTION UNDER 35 U.S.C. §102(B)

The Examiner rejected Claims 1-2, 4-5, 8-10, 13-14 and 16 under 35 U.S.C. 102(b) as being anticipated by GB 1 368 057 (Dennis). Claim 1 describes an apparatus for packaging an energy storage capacitor adapted for use with an external defibrillator, the apparatus comprising a housing having a first interior region and a second interior region; capacitor interface electronics located in the second interior region; a wound core disposed in the first region of the housing and adapted for electrical connection to the capacitor interface electronics, the wound core being arranged in such a manner that a void for receiving potting material is positioned between the wound core and a side surface of the housing, and a conductive path adapted to electrically connect the wound core and the capacitor interface electronics in the second region of the housing; the first region being sized to receive the wound core and the potting material, and having a cavity defined by the side surface, a closed first end, and an at least partially open second end, the second region being sized to receive the capacitor interface electronics; and an exterior housing surface arrangeable to at least in part surround each of the first and second the interior regions. The two interior regions of

the housing provide one for the wound core which accommodates the potting material, obviating the need for a separate potting cup for the core. Capacitor interface electronics are located in the second interior region so that the electronics are separate from the potting material of the core. As is well known, external defibrillators charge the capacitor upwards of 2000 volts, which can over time result in failure of the associated electronic components. Since the electronics of the capacitor do not have to be potted, these components can be separately serviced and replaced as needed.

The Dennis capacitor comprises a capacitor roll 6 which is housed in the single compartment of a case 1. Potting material can be poured through opening 2 to fill the compartment. The capacitor lead wires extend through notches 3 in case 1. Cover 4 has truncated extensions 5 which correspond to notches 3, so when cover 4 is placed on top of the case, the lead wires are clamped into the apices of the of the triangular notches 3. Dennis Figs. 1-2.

The Examiner contends that Dennis anticipates each of the amended Claim 1 elements, including the second interior region, by teaching the void formed by the gap between the truncated extension 5 and notch 3, in which the lead wires 7 reside. The Examiner further contends that the outside of cover 4 is an exterior surface which surrounds the interior housing surface. The Examiner also contends that the portion of lead wire 7 residing in the void is the capacitor interface electronics of amended Claim 1. Even though Applicant does not agree with Examiner's labeling of one portion of lead wire 7 as the Claim 1 conductive path and an adjacent portion of the same lead wire 7 as the Claim 1 capacitor interface electronics (per Applicant's 9/22/2009 Response), Applicant respectfully submits that Dennis fails to anticipate amended Claim 1.

First, amended Claim 1 requires the second interior region to be at least partly surrounded by an exterior housing surface. In contrast, the Dennis "void" must be open through the exterior housing surface in order to pass the lead wires: thus, no part of the Dennis exterior housing surface surrounds any part of the "void." For this reason, Dennis fails to anticipate a second interior region at least partially surrounded by an exterior housing surface.

Second, amended Claim 1 requires the second interior region to be sized to receive the capacitor interface electronics. The Dennis void is much too small to receive lead wire 7, which must extend to through and outside the "void." Dennis Fig. 2. Dennis thus fails to anticipate a second interior region sized to receive the capacitor interface electronics. For at

least these reasons, amended Claim 1 is allowable. Claim 2, dependent on Claim 1, is similarly allowable.

REJECTION UNDER 35 U.S.C. §103(a)

The Examiner rejected Claims 3 and 12 under 35 U.S.C. 103(a) as unpatentable over Dennis in view of US Pat. 6,535,096 (Rapoport). Rapoport describes automobile ignition electronics which has a storage capacitor 72. Rapoport fails to remedy the afordescribed deficiencies of Dennis; first by failing to teach or suggest any housing with two internal regions; second by failing teach or suggest a second region of the capacitor housing sized to receive capacitor interface electronics. Thus it is seen that Rapoport has the same deficiencies as Dennis with regard to Claim 1. Since Claims 3 and 12 both depend from Claim 1, it is respectfully submitted that these claims are patentable by reason of their dependency.

Claims 6 and 11 were rejected under 35 U.S.C. 103(a) as unpatentable over Dennis in view of US Pat. 4,546,300 (Shaikh). Shaikh describes an oil-filled submersible capacitor for a submersible pump. The capacitor 23 and a switch 24 are potted in the single compartment of a housing 27 so they will be water-tight and protected from the oil. Shaikh also fails to remedy the deficiencies of Dennis and Rapoport with regard to amended Claim 1; Like Dennis and Rapoport, Shaikh fails to disclose or suggest any housing with two interior regions, one for a potted capacitor core and another sized to receive capacitor interface electronics. Since Claims 6 and 11 both depend from amended Claim 1, it is respectfully submitted that these claims are patentable by reason of their dependency.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis in view of US Pat. 5,645,571 (Olson et al.) Claim 17 describes an external defibrillator, comprising a housing comprising a first interior region and a second interior region, the first interior region defining a first cavity and having a having a configuration defined by a side surface, a closed first end an at least partially open second end, the second interior region defining a second cavity; a wound capacitor core arranged in the first interior region in such a manner that a void is positioned between the wound capacitor core and the side surface; an electrical path for conductively connecting the wound capacitor core and the second interior region; a potting material disposed in the void, capacitor interface disposed in the second interior region, the capacitor interface in communication with the wound capacitor core via the electrical path, and an exterior housing surface arrangeable to at least in part surround

each of the first and second interior regions. The first and second interior regions provide one space for potting a wound capacitor core and a second space for a capacitor interface which is coupled to the capacitor core and which can be serviced or replaced because it is not in the potted space with the capacitor core. Olson et al. mention capacitors in their defibrillator in column 4 but do not illustrate them in their drawings, nor do they say anything about the construction or configuration of the capacitors. Dennis, argument *supra*, fails to teach any capacitor housing with two interior regions, each of which is at least partially surrounded by an exterior housing surface. Olson et al. fails to remedy the Dennis deficiency by failing to teach or suggest any housing with two interior regions. Accordingly it is respectfully submitted that amended Claim 17 is patentable over Dennis and Olson et al.

In light of the foregoing amendment and remarks, it is respectfully submitted that this application is now in condition for allowance. Favorable reconsideration is respectfully requested. Alternatively, it is respectfully requested that this amendment be entered to place the claims in better form for consideration on appeal.

Respectfully submitted,

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